

**INSTRUCTIONS FOR FILING**  
**APPLICATION TO PROCEED IN FORMA PAUPERIS**

Along with Petition under 28 U.S.C. §§ 2241 or 2254 for Writ of Habeas Corpus  
IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY A PERSON IN *STATE* CUSTODY

**1. General Information About The Application to Proceed In Forma Pauperis Form:**

- a.** The Application to Proceed In Forma Pauperis Form is designed to help you present to the court the necessary information for the court to determine whether you qualify for proceeding in a case without having to pay the filing fee. For your motion to be considered by the Southern District Court of California, it must be typewritten or legibly handwritten. All information must be clearly and concisely written in the appropriate space on the form. NOTE: DO NOT WRITE ON THE BACK OF ANY OF THE PAGES; any writing on the back of any page might not be considered by the court.
- b.** You must also sign the declaration under penalty of perjury that the information in the motion is true and correct. Beware that any deliberate false statement of a material fact may serve as a basis for prosecution and conviction for perjury. Therefore, you should exercise care to ensure that all the information is true, correct **and** complete.
- c.** If you do not meet the requirements for proceeding in forma pauperis, then the full filing fee must accompany the § 2241 or § 2254 petition for writ of habeas corpus (\$5.00).
- d.** When your Application to Proceed In Forma Pauperis is completed, you should mail the original and two copies of the motion with the petition for writ of habeas corpus to:

Clerk, U.S. District Court  
880 Front Street  
Room 4290  
San Diego, CA 92101-8900

**2. Completing The Application to Proceed In Forma Pauperis Form:**

- a.** Space is provided for you to name the lead respondent named in the accompanying petition. Unlike a civil complaint form, you do not need to name all of the respondents in the Application to Proceed In Forma

Pauperis.

- b. Fill-in all of the requested information about yourself on the spaces provided. You must disclose the balance (as best you know) of any type of bank, savings, or investment account(s) to which you can gain access, any real estate you may own (whether in the State of California or in another state), any cars, etc.
- c. You must sign and date the declaration under penalty of perjury that the information provided is true and correct. You are put on notice that any untruthful statements or misrepresentations could result in sanctions being imposed against you by the court.
- d. **If you are NOT an inmate:** Your Application to Proceed In Forma Pauperis is complete. Do not complete the prison certificate page. You should be aware, however, that the court may require you to provide additional information about your finances.
- e. **If you are an inmate:** The form contains a financial certificate to be used by inmates to better inform the court about their financial condition. **THE APPLICATION TO PROCEED IN FORMA PAUPERIS IS NOT COMPLETE AND WILL NOT BE CONSIDERED BY THE COURT UNLESS THE FINANCIAL CERTIFICATE HAS BEEN PROPERLY COMPLETED.** Also, each Application to Proceed In Forma Pauperis must have an ORIGINAL financial certificate.

**3. Determination Of Filing Fee (for inmates only):**

- a. A properly completed financial certificate is required for the court to consider the Application to Proceed In Forma Pauperis. **DO NOT** submit your own affidavit instead of the financial certificate. If you do, your motion and the accompanying petition for writ of habeas corpus may not be accepted and may be returned to you.
- b. To obtain a financial certificate disclosing how much money you have credited to your account(s) with the institution in which you are confined you should submit that page to the prison division/department that keeps the records of how much money you have in your account(s). (The name of that division or department varies depending on where you are being held, for example, “institutional services,” “accounting,” etc.). Someone in that division/department will complete the Prison Certificate and return it to you. Each Application to Proceed In Forma Pauperis must have an

ORIGINAL financial certificate. Once the declaration to proceed in forma pauperis is completed, it is then ready to be submitted to the Court with the petition for writ of habeas corpus.

- c. Both the Application to Proceed In Forma Pauperis with the completed financial certificate **AND** the accompanying petition for writ of habeas corpus must be mailed to the clerk's office *together*.
- d. The court will review your Application to Proceed In Forma Pauperis and declaration in support thereof. If the court determines that you should be allowed to proceed without having to pay any filing fee, then the court will issue an order directing the Clerk to file the petition.

#### **FINAL NOTE**

You should follow these instructions carefully. Failure to do so may result in your motion not being filed and considered by the court.

If the Court grants your request to proceed in forma pauperis, you **MUST** write the assigned case number on the front page of any communication you may have with the court regarding this action. The failure to include the case number on future documents may result in the document be returned to you unfiled, or at the very least the failure will result the court's review of the document being delayed.